

**REMARKS**

**A. The Section 103 Rejections**

Claims 1, 5-9, 13-18 and 22-25 were rejected under 35 U.S.C. § 103(a) based on U.S. Patent Application Publication No. 2005/0169222 to Ayyagari (“Ayyagari”) in view of U.S. Patent Application Publication No. 2006/0039281 to Benveniste (“Benveniste”) and newly cited U.S. Patent No. 6,504,837 to Menzel (“Menzel”). Applicants respectfully disagree and traverse these rejections for at least the following reasons.

Claims 1, 9 and 18 (and through their dependencies, so too do the remaining claims) include the feature of assigning one or more of the so divided slots to an identified access point based on the number of users associated with the access point and to *maximize a lower bound of a slot-to-user ratio*.

In the Office Action the Examiner acknowledges that neither Ayyagari nor Benveniste discloses or suggests this assignment feature. To make up for this deficiency the Examiner relies on newly cited Menzel.

The Examiner refers the Applicants to column 4, line 64 to column 5, line 50 of Menzel in support of the position that Menzel discloses a slot assignment feature that takes into consideration the maximization of a lower bound of a slot-to-user ratio. However, Menzel does not disclose or suggest such a feature.

Instead, Menzel appears to just set forth a method whereby a base

station can determine which time slots it can transmit during and which time slots it cannot transmit during because the latter time slots are used by other base stations. Further, Menzel's general statement that its time slot allocation is "load-dependent" without saying more, reveals little to one skilled in the art. Said another way, there is nothing in Menzel to suggest to the skilled artisan that its allocation methodologies include consideration of a slot-to-user ratio, much less the maximization of a lower bound of such a ratio as in the claims of the present invention.

Accordingly, because neither Ayyagari nor Benveniste discloses or suggests the assignment of one or more of divided slots to an identified access point based on the number of users associated with the access point and to maximize a lower bound of a slot-to-user ratio and Menzel does not make up for this deficiency, the Applicants respectfully submit that the subject matter of claims 1, 5-9, 13-18 and 22-25 would not have been obvious to one skilled in the art at the time the present application was filed upon reading the disclosures of Ayyagari, Benveniste and Menzel. Accordingly, Applicants respectfully request withdrawal of the rejections and allowance of claims 1, 5-9, 13-18 and 22-25.

Should there be any other outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact John E. Curtin at the telephone number listed below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 50-3777 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

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